

EXEMPTIONS Section 3  
 (2)(A) Privacy  
 (2)(B) Methods/Sources  
 (2)(G) Foreign Relations

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 Date: 2001, 2005

ACTION			DEPARTMENT OF STATE			78L 15-3 AUS		
EUR-6			<b>AIRGRAM</b>			78L 27-12 AUS		
RM/R	REP	AF	A-837			UNCLASSIFIED		
ARA	EUR	FE	NO.			HANDLING INDICATOR		
NEA	CU	INR	TO : Department of State			050 MAR 9 AM 7 18		
E	P	IO	INFO: Bonn			DST-12649		
L	FBO	AID	The Hague			ANALYSIS & DISTRIBUTION		
S/P			FROM : Amembassy VIENNA			DATE: March 5, 1965		
AGR	COM	FRB	SUBJECT: Raja Trial Verdict			REF		
INT	LAB	TAR						
TE	XMB	AIR						
ARMY	CIA	NAVY						
OSD	USIA	NSA	<p>Former SS officer Dr. Erich Raja (formerly Rajakovic) has been found guilty of committing public violence and sentenced to 2-1/2 years rigorous imprisonment.</p> <p>The jury voted 5 to 2 (with an additional member voting guilty with reservations) to find Raja guilty under Section 87 of the Austrian Criminal Code for "having with malicious forethought created a situation which brought about danger of life for human beings and which resulted in their death." The charge stemmed from a telegram which Raja sent from The Hague to Paris ordering that 83 Dutch Jews be sent to Auschwitz. Only 1 of the 83 survived the concentration camp. Raja, who was born in Trieste, practiced law in Vienna before World War II and was a wartime bureaucrat in the Nazi death machinery in Holland. The jury unanimously acquitted Raja of complicity in murder because of lack of evidence.</p> <p>It is expected that Raja will appeal the sentence to the Supreme Judicial Court and will also enter a plea of nullity as did convicted SS man Franz Novak (see Embassy Airgram A-589). The prosecutor is appealing the sentence as being too light. If the sentence is not changed, Raja will serve only a few more months before being released because he has been in custody for almost two years awaiting trial. At the time of sentencing the courtroom was crowded with the press and spectators.</p>					
FORM 4-62 DS-323			UNCLASSIFIED			FOR DEPT. USE ONLY		
Drafted by: P:WBodde:bb			3/4/65			Contents and Classification Approved by: P:John Devine		
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from Vienna

There has been relatively little press comment on the verdict and popular interest in the trial was slight. Herbert Schiff in independent Neues Oesterreich wrote that, considering the special circumstances of the case (e.g., lack of concrete evidence, indirect participation in the death of the victims), "the rather mild sentence is no blemish." He added that the Vienna jury members showed that they "want murder to be punished even after decades and not be buried under the statute of limitations." Chief Editor Franz Kreuzer, in Socialist Arbeiter-Zeitung, commented that, while the mild sentence is not really satisfactory, the mere fact that Raja was pronounced guilty is of great significance. The Austrian press reports that there has been some criticism from Dutch newspapers concerning the light sentence. Communist Volksstimme called the verdict a great disappointment.

RIDDLEBERGER

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